

## HOUSE AMENDMENTS TO HOUSE BILL 4030

By COMMITTEE ON EDUCATION

February 14

1 In line 2 of the printed bill, after “educators” insert “; creating new provisions; amending ORS  
2 326.603 and 342.125; and declaring an emergency”.

3 Delete lines 4 through 8 and insert:  
4

### “BACKGROUND CHECKS

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6  
7 “**SECTION 1.** ORS 326.603 is amended to read:

8 “326.603. (1) For the purposes of requesting a state or nationwide criminal records check under  
9 ORS 181A.195, the Department of Education may require the fingerprints of:

10 “(a) A school district or private school contractor, whether part-time or full-time, or an em-  
11 ployee of a contractor, whether part-time or full-time, who has direct, unsupervised contact with  
12 students as determined by the district or private school.

13 “(b) A person newly hired, whether part-time or full-time, by a school district or private school  
14 in a capacity not described in ORS 342.223 (1).

15 “(c) A person who is a community college faculty member providing instruction:

16 “(A) At the site of an early childhood education program or at a school site as part of an early  
17 childhood education program; or

18 “(B) At a kindergarten through grade 12 school site during the regular school day.

19 “(d) A person who is an employee of a public charter school.

20 “(2)(a) A school district shall send to the Department of Education for purposes of a criminal  
21 records check any information, including fingerprints, for each person described in subsection (1)  
22 of this section.

23 “(b) A private school may send to the Department of Education for purposes of a criminal re-  
24 cords check any information, including fingerprints, for each person described in subsection (1)(a),  
25 (b) or (c) of this section.

26 “(3) The Department of Education shall request that the Department of State Police conduct a  
27 criminal records check as provided in ORS 181A.195 and may charge the school district or private  
28 school a fee as established by rule under ORS 181A.195. The school district or private school may  
29 recover its costs or a portion thereof from the person described in subsection (1) of this section. If  
30 the person described in subsection (1)(b) or (d) of this section requests, the school district shall and  
31 a private school may withhold the amount from amounts otherwise due the person, including a pe-  
32 riodic payroll deduction rather than a lump sum payment.

33 “(4) Notwithstanding subsection (1) of this section, the Department of Education may not require  
34 fingerprints of a person described in subsection (1) of this section if:

35 “(a) The person or the person’s employer was checked in one school district or private school

1 and is currently seeking to work in another district or private school unless the person lived outside  
2 this state during the interval between the two periods of time of working in the district or private  
3 school[.]; or

4 **“(b) The department determines that an emergency exists and that the person:**

5 **“(A) Submitted to a criminal records check for the person’s immediately previous em-**  
6 **ployer, the employer is a school district or private school and the person has not lived out-**  
7 **side this state between the two periods of employment;**

8 **“(B) Submitted to a criminal records check conducted by the Teacher Standards and**  
9 **Practices Commission within the previous three years;**

10 **“(C) Remained continuously licensed or registered with the commission; or**

11 **“(D) Had a license or registration with the commission that lapsed within the previous**  
12 **three years.**

13 **“(5) Nothing in this section requires a person described in subsection (1)(a), (b) or (d) of this**  
14 **section to submit to fingerprinting until the person has been offered employment or a contract by**  
15 **a school district or private school. Contractor employees may not be required to submit to finger-**  
16 **printing until the contractor has been offered a contract.**

17 **“(6) If a person described in subsection (1) of this section states on a criminal history form**  
18 **provided by the Department of Education that the person has not been convicted of a crime but the**  
19 **criminal records check indicates that the person has a conviction, the department shall determine**  
20 **whether the person knowingly made a false statement as to the conviction. The department shall**  
21 **develop a process and criteria to use for appeals of a determination under this subsection.**

22 **“(7)(a) The Superintendent of Public Instruction shall inform a school district or private school**  
23 **if a person described in subsection (1) of this section has been convicted of a crime listed in ORS**  
24 **342.143 (3) or has knowingly made a false statement on a criminal history form provided by the**  
25 **Department of Education as to the conviction of any crime.**

26 **“(b) If a person described in subsection (1) of this section has been convicted of a crime listed**  
27 **in ORS 342.143 (3), a school district may not employ or contract with the person and a private**  
28 **school may choose not to employ or contract with the person. Notification by the superintendent**  
29 **that the school district may not employ or contract with the person shall remove the person from**  
30 **any school district policies, collective bargaining provisions regarding dismissal procedures and ap-**  
31 **peals and the provisions of ORS 342.805 to 342.937.**

32 **“(c) If a person described in subsection (1) of this section has knowingly made a false statement**  
33 **on a criminal history form provided by the Department of Education as to the conviction of a crime**  
34 **not listed in ORS 342.143 (3), a school district or private school may choose to employ or contract**  
35 **with the person.**

36 **“(8) If a person described in subsection (1) of this section refuses to consent to the criminal re-**  
37 **records check or refuses to be fingerprinted, the school district shall terminate the employment or**  
38 **contract status of the person. Termination under this subsection removes the person from any school**  
39 **district policies, collective bargaining provisions regarding dismissal procedures and appeals and the**  
40 **provisions of ORS 342.805 to 342.937.**

41 **“(9) A school district may not hire or continue to employ or contract with or allow the con-**  
42 **tractor to continue to assign a person to the school project if the person described in subsection (1)**  
43 **of this section has been convicted of a crime according to the provisions of ORS 342.143.**

44 **“(10) As used in this section and ORS 326.607:**

45 **“(a) ‘Private school’ means a school that:**

1 “(A) Offers education in prekindergarten, kindergarten or grades 1 through 12, or any combi-  
2 nation of those grade levels; and

3 “(B) Provides instructional programs that are not limited solely to dancing, drama, music, reli-  
4 gious or athletic instruction.

5 “(b) ‘School district’ means:

6 “(A) A school district as defined in ORS 330.003.

7 “(B) The Oregon School for the Deaf.

8 “(C) An educational program under the Youth Corrections Education Program.

9 “(D) A public charter school as defined in ORS 338.005.

10 “(E) An education service district.

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12 “**EDUCATOR LICENSE RECIPROCITY**

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14 “**SECTION 2. (1) The Teacher Standards and Practices Commission shall:**

15 “(a) **Conduct a review of the commission’s process for licensing educators from other**  
16 **states;**

17 “(b) **Identify and implement any changes to the process reviewed under paragraph (a) of**  
18 **this subsection that will simplify the process and encourage educators from other states to**  
19 **become licensed in Oregon; and**

20 “(c) **Identify any necessary statutory changes that would enable or encourage out-of-**  
21 **state educators to become licensed in Oregon.**

22 “(2) **The commission shall report the commission’s findings under subsection (1) of this**  
23 **section to an interim committee of the Legislative Assembly related to education no later**  
24 **than September 1, 2022.**

25 “**SECTION 3. Section 2 of this 2022 Act is repealed on January 2, 2023.**

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27 “**EDUCATOR PROFESSIONAL DEVELOPMENT**

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29 “**SECTION 4. (1) The Teacher Standards and Practices Commission shall adopt rules that**  
30 **provide for the reduction or suspension of professional development requirements that a**  
31 **person must complete before the person may renew a license, registration or certification**  
32 **issued by the commission.**

33 “(2) **The rules adopted under subsection (1) of this section must apply to professional**  
34 **development requirements needed to renew a license, registration or certification at any**  
35 **time from January 1, 2022, until December 31, 2023.**

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37 “**STATEWIDE PORTAL FOR JOBS IN EDUCATION**

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39 “**SECTION 5. (1) The Department of Education and the Teacher Standards and Practices**  
40 **Commission shall jointly:**

41 “(a) **Review the application process for persons seeking jobs in education in this state,**  
42 **including licensed and classified staff; and**

43 “(b) **Evaluate options for establishing and maintaining a statewide portal that provides:**

44 “(A) **A single location for the posting of jobs in education in this state;**

45 “(B) **A common background check to be used by education employers; and**



1 **tributed under this section.**

2 **“SECTION 11. Notwithstanding any other law limiting expenditures, the amount of**  
3 **\$\_\_\_\_\_ is established for the biennium ending June 30, 2023, as the maximum limit for**  
4 **payment of expenses by the Department of Education from the American Rescue Plan Act**  
5 **Coronavirus State Fiscal Recovery Fund moneys received by the Oregon Department of Ad-**  
6 **ministrative Services and transferred to the Department of Education to be used as provided**  
7 **by section 10 of this 2022 Act.**

8 **“SECTION 12. Section 10 of this 2022 Act is repealed on January 2, 2024.**

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10 **“NONESSENTIAL REPORTING REQUIREMENTS**

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12 **“SECTION 13. Notwithstanding any provision of law, the State Board of Education shall**  
13 **suspend for school districts and education service districts any reporting requirements that:**

14 **“(1) Are not required by federal law; and**

15 **“(2) Are not essential, as determined by the board.**

16 **“SECTION 14. Section 13 of this 2022 Act is repealed on June 30, 2023.**

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18 **“LICENSING OR REGISTRATION ASSISTANCE**

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20 **“SECTION 15. ORS 342.125 is amended to read:**

21 **“342.125. (1) Teaching licenses shall be issued and renewed by the Teacher Standards and**  
22 **Practices Commission by the authority of the State of Oregon, subject to ORS 342.120 to 342.430 and**  
23 **the rules of the commission.**

24 **“(2) Notwithstanding any requirements prescribed for issuance of a license, a person whose ap-**  
25 **plication for a license is pending may be employed in the public schools of this state for 90 calendar**  
26 **days after the date of submission of the application if:**

27 **“(a) The person is not ineligible for a license following background checks conducted by the**  
28 **Teacher Standards and Practices Commission, including a criminal records check as provided in**  
29 **ORS 181A.195 and a background check through an interstate clearinghouse of revoked and sus-**  
30 **pended licenses;**

31 **“(b) The school district has completed the review of the employment history of the person as**  
32 **required by ORS 339.374;**

33 **“(c) The person had not been employed as provided by this subsection during the previous 12**  
34 **months with a pending application for the same license; and**

35 **“(d) The person and the school district have complied with any other requirements established**  
36 **by the commission by rule.**

37 **“(3) Subject to ORS 342.130 and to subsection (4) of this section, licenses shall be of the fol-**  
38 **lowing types:**

39 **“(a) Preliminary teaching license.**

40 **“(b) Professional teaching license.**

41 **“(c) Distinguished teacher leader license.**

42 **“(d) Preliminary personnel service license.**

43 **“(e) Professional personnel service license.**

44 **“(f) Preliminary administrative license.**

45 **“(g) Professional administrative license.**

1       “(h) Reciprocal license.

2       “(i) Legacy license.

3       “(4) The Teacher Standards and Practices Commission may establish other types of teaching li-  
4 censes as the commission considers necessary for operation of the public schools of the state and  
5 may prescribe the qualifications for the licenses. However, no license established under the au-  
6 thority of this subsection is required for a regular classroom teaching position in the public schools.

7       “(5)(a) The Teacher Standards and Practices Commission shall establish a public charter school  
8 teacher and administrator registry. The commission shall require the applicant and the public  
9 charter school to jointly submit an application requesting registration as a public charter school  
10 teacher or administrator. The application shall include:

11       “(A) A description of the specific teaching or administrator position the applicant will fill;

12       “(B) A description of the background of the applicant that is relevant to the teaching or ad-  
13 ministrator position, including any post-secondary education or other experience; and

14       “(C) Documentation as required by the commission for the purposes of conducting a criminal  
15 records check as provided in ORS 181A.195 and a background check through an interstate clear-  
16 inghouse of revoked and suspended licenses.

17       “(b) Subject to the results of the criminal records check and background check and to informa-  
18 tion received under ORS 342.143 (2), the commission shall approve the application for registration.  
19 The commission may deny a request for registration only on the basis of the criminal records check,  
20 the background check through an interstate clearinghouse of revoked and suspended licenses or the  
21 information received under ORS 342.143 (2). The registration is valid for a term established by the  
22 commission and, subject to information received under ORS 342.143 (2), may be renewed upon joint  
23 application from the teacher or administrator and the public charter school.

24       “(c) A registration as a public charter school teacher qualifies its holder to accept the teaching  
25 position described in the application in the public charter school that submitted the application with  
26 the holder of the registration.

27       “(d) A registration as a public charter school administrator qualifies its holder to accept the  
28 administrator position described in the application in the public charter school that submitted the  
29 application with the holder of the registration.

30       “(6)(a) The Teacher Standards and Practices Commission shall adopt an expedited process for  
31 the issuance of any license established pursuant to this section. The expedited process may require  
32 the following:

33       “(A) The showing of an urgent situation; and

34       “(B) The joint request for the expedited process from the applicant for the license and:

35       “(i) The school district superintendent or school district board;

36       “(ii) The public charter school governing body; or

37       “(iii) The education service district superintendent or board of directors of the education service  
38 district.

39       “(b) Except as provided by paragraph (c) of this subsection, the commission shall issue a license  
40 as provided by this subsection within two working days after receiving a completed application.

41       “(c) The commission may limit the number of applications the commission will accept under this  
42 subsection from a school district or an education service district to not more than 100 applications  
43 in a period of two working days.

44       “(d) For purposes of this subsection, the commission may not distinguish between a school dis-  
45 trict or an education service district involved in a labor dispute and any other school district or

1 education service district.

2 “(7) The Teacher Standards and Practices Commission shall employ at least one individ-  
3 ual for the purpose of assisting persons in becoming licensed or registered by the commis-  
4 sion.

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6 “EDUCATION WORKFORCE DATA SYSTEM

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8 “SECTION 16. The Teacher Standards and Practices Commission, in partnership with the  
9 University of Oregon, shall establish a workforce data system for the purpose of gathering  
10 data on the needs of the education workforce serving students in kindergarten through grade  
11 12.

12 “SECTION 17. Notwithstanding any other law limiting expenditures, the amount of  
13 \$\_\_\_\_\_ is established for the biennium ending June 30, 2023, as the maximum limit for  
14 payment of expenses by the Teacher Standards and Practices Commission from the Ameri-  
15 can Rescue Plan Act Coronavirus State Fiscal Recovery Fund moneys received by the Oregon  
16 Department of Administrative Services and transferred to the Teacher Standards and Prac-  
17 tices Commission to be used as provided by section 16 of this 2022 Act.

18 “SECTION 18. Section 16 of this 2022 Act is repealed on January 2, 2024.

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20 “CAPTIONS

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22 “SECTION 19. The unit captions used in this 2022 Act are provided only for the conven-  
23 ience of the reader and do not become part of the statutory law of this state or express any  
24 legislative intent in the enactment of this 2022 Act.

25  
26 “EMERGENCY CLAUSE

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28 “SECTION 20. This 2022 Act being necessary for the immediate preservation of the public  
29 peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect  
30 on its passage.”.